IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 5072 of 2007(D)

PETITIONER:

MANAGING DIRECTOR,
RKV MOTORS AND TIMBERS PVT. LTD.,
RKV BUILDINGS, THIRUVANANTHAPURAM-695 023.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

---

1. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM, REPRESENTED BY
ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, THIRUVANANTHAPURAM.

3. SHRI. V.MITHRADAS,
ATTUKAL TRADERS, PATTOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAVINDRAN
GOVT. PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ALONG WITH W.P.(C) NOS. 5831, 5852, 15009, & 15966 OF 2007 ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

W.P.(C) NO. 5072 OF 2007

PETITIONER'S EXHIBITS

Ext.P1: Photocopy of preamble dated 23-12-1994 of the 1st respondent , referred to in the writ petition (Civil)

Ext.P2: Photo copy of proceedings dated 11-12-2006 of the 1st respondent

Ext.P3: Photocopy of Appeal MVAA No. 28/2007, preferred by the 3rd respondent before State Transport Appellate Tribunal, Ernakulam on 13-1-2007.

Ext.P4: Photocopy of counter-affidavit of the petitioner filed in MVAA No. 28/2007 on 20-1-2007.

Ext.P5: Photocopy of temporary permit No.C8/8385/T/2004 issued by the 2nd respondent on 26-3-2004 in favour of 3rd respondent

Ext.P6: Photocopy of temporary permit No.C6/25/T/2004 issued by the 2nd respondent on 3-1-2006 in favour of 3rd respondent

Ext.P7: Photocopy of order No.C6.5050/T/06 dated 18-5-2006 of the 2nd respondent

Ext.P8: Photocopy of common judgment dated 5-2-2007 rendered by the State Transport Appellate Tribunal in M.V.A.A. No. 282007 and connected appeals

Ext.P9: True copy of the City Permit on the route Kundamanabhagam-Devaswom Board from 27.12.1996 to 26.12.2001 issued in favour of late Anil kumar

Ext.P10: True copy of the proceedings dated 27.9.2003 issued by the 1st respondent.

RESPONDENT'S EXHIBITS

Ext.R3(a): True copy of the permit dated 26-06-2004

Ext.R3(b): True copy of the reply affidavit

//True copy//

es

S.SIRI JAGAN, J.

W.P.(C) Nos.5072, 5831,5852,15009 & 15966 of 2007

Dated this the 8th day of August 2007

JUDGMENT

In W.P.(C) No. 5072/2007 the petitioner therein is challenging Ext.P8 common judgment of the State Transport Appellate Tribunal in M.V.A.A Nos. 28, 33 & 44 of 2007, wherein the order of the R.T.A. granting the temporary permit in favour of the petitioner therein set aside and the matter was directed to be decided afresh after considering all applications except on the application by the petitioner. In W.P.(C) Nos. 5072, 5831 & 5852 of 2007 this court passed a common interim order dated 12-3-2007 wherein the application of the petitioner in W.P(C) No. 5072/2007 was also directed to be considered along with the other applications.

2. In all the other writ petitions the petitioners are challenging the fresh grant pursuant to the said judgment of the S.T.A.T.

3. Now, it is admitted before me that the period of the fresh permit SO granted is also expiring shortly and therefore eligibility may be directed to be re-considered as and when the R.T.A considers the fresh applications. Accordingly these writ petitions are disposed of with a direction to the R.T.A Thiruvananthapuram to consider all fresh applications in accordance with law untrammelled by the observations in the judgment of the S.T.A.T and also the subsequent order of the R.T.A.. The R.T.A. shall consider the applications as expeditiously as possible, if possible in the next R.T.A meet.

S.SIRI JAGAN,JUDGE

es